

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

NANTUCKET LANDING SOUTH	:	
CONDOMINIUM ASSOCIATION, INC.,	:	
	:	Case No. 3:23-cv-161
Plaintiff,	:	
	:	Judge Thomas M. Rose
v.	:	
	:	
STATE FARM FIRE AND	:	
CASUALTY COMPANY,	:	
	:	
Defendant.	:	

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**ENTRY AND ORDER DENYING, IN PART, PLAINTIFF’S UNOPPOSED  
MOTION TO EXCUSE JOHN E. BREEN FROM PRE-TRIAL CONFERENCE  
AND TRIAL & MEMORANDUM IN SUPPORT THEREOF (DOC. NO. 38);  
AND, DEFERRING FURTHER RULING REGARDING LOCAL COUNSEL’S  
PARTICIPATION IN TRIAL**

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Currently before the Court is Plaintiff’s Unopposed Motion to Excuse John E. Breen from Pre-Trial Conference and Trial & Memorandum in Support Thereof (Doc. No. 38). Plaintiff Nantucket Landing South Condominium Association, Inc. (the “Association”) has been represented in this action by designated trial attorney Clinton H. Scott, admitted *pro hac vice*, as well as local counsel John E. Breen. (*See* Doc. No. 1; *see also* Notation Order, 6/15/2023; *see also* Notation Order, 8/3/2023.) The Association now moves to excuse Mr. Breen from attending the final pretrial conference in this case, currently scheduled to occur on October 3, 2024, and from attending trial, currently scheduled to begin on November 4, 2024. (Doc. No. 38 at PageID 1091.) General Order No. Day 12-01 provides that designated trial attorneys admitted to practice before the Court *pro hac vice* “must obtain as local counsel a member of the permanent bar of this Court who shall participate in all proceedings . . . unless excused by the Court.” General Order No. Day

12-01, at pp. 9. Pursuant to the discretion afforded in General Order No. Day 12-01, the Court **DENIES** Plaintiff's Unopposed Motion to Excuse John E. Breen from Pre-Trial Conference and Trial & Memorandum in Support Thereof (Doc. No. 38) to the extent that the Association moves to excuse local counsel from attending the final pretrial conference in this matter. However, the Court will **DEFER** making a final ruling as to whether local counsel may be excused from attending trial in this case until the Court's final pretrial conference.

**DONE** and **ORDERED** in Dayton, Ohio, this Thursday, August 1, 2024.

s/Thomas M. Rose

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THOMAS M. ROSE  
UNITED STATES DISTRICT JUDGE